

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Application for Conditional Use Permit

David Mangan

David Mangan, Applicants

Re: Town of Marshfield Parcel ID BE001

25 Beaver Meadow Road, Marshfield, Vermont 05658

I. Procedural History

Mr. Mangan is purchasing a 3.4 acre lot at the junction of Beaver Meadow Road and U.S. Route 2. A 45' by 45' structure, which had been used as a church, is located on the property. Mr. Mangan is proposing to use the structure as a bakery, moving his wholesale business to this site from its current location in Marshfield Village. Inasmuch as this constitutes a commercial use of property in the Agricultural and Rural Residential zone, Marshfield zoning regulations (Section 420) require a Conditional Use permit be issued by the Development Review Board (DRB) for this project. To this end, Mr. Mangan submitted a Conditional Use application with the appropriate fee, received by the Town Clerk on 3/26/21. A public hearing of the application was held, via Zoom, on May 13th, 2021. The applicant notified the adjoining landowners of the application and hearing. The applicant noted that the adjoining landowners seemed pleased with the prospect of a bakery in the neighborhood. No other person appeared at the hearing to testify about the proposed project and the DRB did not receive any written comments on the proposed project. The DRB adjourned the hearing on May 13th. In accordance with 24 V.S.A. § 4464 (5) (b) (1), the DRB must render a decision on an application with 45 days of adjournment.

II. Findings of Fact

A public hearing on Mr. Mangan's application was held on May 13, 2021. Present for the hearing were Jon Groveman, Jenny Warshow, Les Snow and Gary Leach, all members of the DRB, Kate Hayes, zoning administrator, and David Mangan, applicant. Jon Groveman, chair of the DRB, opened the meeting at 7:15 pm, inviting the applicant to provide some background on this project. The applicant presented a thorough summary that addressed the conditional use permit standards in Section 245 of the bylaws. Below are the DRB's findings based on the application submitted for the project and Mr. Mangan's testimony at the public hearing.

1. The proposed use will not have an undue adverse effect on the capacity of community facilities – the bakery will continue to employ six staff and maintain the current volume of business. The use of the structure for a wholesale bakery will not have an undue adverse effect on the character of the area. U.S. Route 2 is a busy east-west

highway for the region and is already home to commercial enterprises in the immediate area of the proposed bakery. Mr. Mangan is applying for a permit for a wholesale operation only. He agrees that adding a retail operation at that site would constitute a change in use and would need to be approved by the DRB. Moving the bakery to this new location will make a significant improvement in traffic flow and parking in Marshfield Village where the tractor-trailer currently parks on Route 2 to deliver supplies to the bakery and where parking for employees is inconvenient. At the new location, there is sufficient parking for employee vehicles and the tractor-trailer will be able to exit the town road when making deliveries. Mr. Mangan will need to enlarge the parking lot entrance to accommodate the tractor-trailer. Ms. Warshow pointed out that this alteration will require a “curb-cut” that will need to be approved by the Town road department. Mr. Mangan agreed to obtain this approval before making the change.

2. The bakery operation will not place additional stresses on the land. The lot is not in the flood plain and is level, with no tendency for erosion. Mr. Mangan is considering the placement of solar panels on the roof in order to use renewable energy resources. He will be installing a fan on the roof and a compressor outside. He assured the Board that these will be “quiet” and has used similar equipment at the current bakery site without complaints from the neighbors. The State has reviewed the water and sewage systems already in place and found them to be sufficient for the proposed commercial bakery operation. The bakery will continue to be inspected by the State’s Food and Lodging division. Mr. Mangan will, of course, change the existing signage but will not increase the signage area. Ms. Hayes will check the signage to be sure it meets current criteria, since the building was constructed 3 years before the zoning regulations were put in place. Ms. Hayes says the site meets the current setback requirements.
3. Mr. Mangan asserts, and the Board agrees, that the proposed use of the site for a wholesale bakery meets the Town’s goal – “To stimulate appropriate economic development and provide opportunity for individuals to establish local-based business ventures” – and does so while fitting in well with the character and environment of the neighborhood.

III. Conclusions of Law

Based on the original application, the testimony of Mr. Mangan and the discussion at the Hearing, the Board concludes that the proposed use meets the criteria for a conditional use permit, with the conditions stated below.

IV. Decision and Order

The DRB concludes that the proposed project is approved for a conditional use permit with the following conditions:

- a. This approval is for a wholesale bakery. Retail sales are not permitted and the permittee must seek DRB approval for a change of use if the permittee wants to engage in retail sales.
- b. The applicant must obtain permission from the Marshfield road department for a "curb cut" before enlarging the entrance to the parking lot to accommodate a tractor-trailer.
- c. Signage and outdoor lighting for the bakery will not exceed, in size, the signage and lighting in place when the structure was used as a church and will not exceed the signage and outdoor lighting allowed under the current zoning regulations.
- d. The permittee shall obtain approval from the State of Vermont for any changes to the water supply and wastewater facilities necessary to serve the project.

Voting to Approve Conditional Use Permit: Jon Groveman, Gary Leach, Jenny Warshow and Les Snow

Voting to Disapprove: None. **Absent:** None.

Approved and ordered at Marshfield, Vermont, this 28th day of May 2021.

By: Jon Groveman



Chair of the Marshfield
Development Review Board

NOTICE OF RIGHT TO APPEAL: In accordance with 24 V.S.A. §§ 4471 and 4472, this decision may be appealed to the Vermont Environmental Court within 30 days of the date of this decision. Notice of appeal shall be filed by certified mailing, with fees, to the Vermont Environmental Court and by mailing a copy of the appeal to the Marshfield Town Clerk. Failure of any interested person to appeal this decision to the Vermont Environmental Court within the specified 30-day period shall result in such interested person being bound by this decision or act of the DRB. Thereafter, such an interested person shall not contest, either directly or indirectly, the decision or act of the DRB in any subsequent proceeding, including any enforcement action brought under the provisions of Title 24, Chapter 117 of the Vermont Statutes Annotated. See also Town of Marshfield Zoning Regulations at §235 (Appeals to Environmental Court).